IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 7487 of 2005

Between:

S. Ramana Kumari, W/o. Sri D. Murali Krishna,
O/o. CTO Eluru, W.G.District ^ R/o. 8-32-44, Madhuravari St., Wynchipet, Vijayawada-1.

..... PETITIONER

AND

1 Government of A.P., rep. by its Principal Secretary, Secretariat, Hyderabad.
2 A.P. Public Service Commission rep. by its Secretary, Hyderabad, Government of A.P.
3 Commissioner of Commercial Taxes, A.P., Hyderabad.
4 Deputy Commissioner (CT), Eluru Division, Eluru.
5 Commercial Tax Officer-II, Naidadavolu, W.G. District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondent in orders terminating the services of the petitioner issued in pursuance of Notification (As per related court orders cited

therein, in modification of earlier notification of selections dt. 21.12.2000, 22.2.2002 and 31.5.2004) by the second respondent dt. 15.2.2005 along with G.O.Ms.No.91, Social Welfare (CV1) Department dt. 23.12.2004 along with the orders of the Hon'ble A.P. Administrative Tribunal dt. 22.3.2005 in O.A.No.1012/2005 as arbitrary, illegal and non-est consequently directing the respondents to continue the petitioner in service as ACTO (INt) as per rules unless the Supreme Court declare the retrospectively to their judgment in pursuance of the clarification sought by the respondents and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.A.HANUMANTHA REDDY

Counsel for the Respondent Nos.1, 3 to 5: GP FOR SERVICES I

Counsel for the Respondent No.2: MR.M.VIJAYAKUMAR (SC FOR APPSC)

The Court at the stage of admission made the following:

ORAL ORDER:- (PER GB.J)

The Writ Petition is filed against the interim order, dated 22.03.2005, passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.1012 of 2005.

2. The petitioner was working as Assistant Commercial Tax Officer. While so, his services were terminated consequent on the judgment of the Supreme Court.

3. Learned counsel for the petitioner submits that the Tribunal ought to have directed for continuation of the petitioner in service, pending disposal of the O.A.

4. We are afraid we cannot accept the contention raised by the learned counsel, in view of the fact that another person has been substituted in his place, who is also discharging his duties. Though it is submitted that the judgment of the Supreme Court has only prospective effect and it cannot nullify the appointments already made, that point was not raised before the Tribunal. Since, the matter is already pending before the Tribunal, we leave it open to the Tribunal to decide the matter in accordance with law.

5. Under these circumstances, the Writ Petition is disposed of directing the Tribunal to dispose of the O.A. within a period of four weeks from the date of receipt of a copy of this order. No costs.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 25.04.2005

ES

NOTE:- Issue copy in three days.

B/o.

ES

To

1 The Principal Secretary, Government of A.P.,
Secretariat, Hyderabad.
2 The Secretary,
A.P. Public Service Commission, Hyderabad,
3 The Commissioner of Commercial Taxes, A.P., Hyderabad.
4 The Deputy Commissioner (CT), Eluru Division, Eluru.
5 The Commercial Tax Officer-II, Naidadavolu, W.G. District.

6 The Registrar, A.P. Administrative Tribunal, Hyderabad.

7 2 CCs to the GP for Services-I, High Court buildings, Hyderabad (OUT)

8 2 CD copies